

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

In Re:

FREDERICK J. WEBER, III

CASE NO. 8:13-BK-11663-KRM  
CHAPTER 13

Debtor(s)

\_\_\_\_\_ /

**MOTION FOR RELIEF FROM CO-DEBTOR STAY**

**NOTICE OF OPPORTUNITY TO  
OBJECT AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an response within fourteen (14) days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at U.S. Bankruptcy Court, Middle District of Florida, 801 North Florida Avenue, Suite 555, Tampa, FL 33602, and serve a copy on the movant's attorney, Law Offices of Daniel C. Consuegra, Esquire, Daniel C. Consuegra, Esquire, 9204 King Palm Drive, Tampa, FL 33619, and any other appropriate persons within the time allowed.

If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

CITIMORTGAGE, INC., by and through its undersigned attorney, moves the Court pursuant to 11 U.S.C., § 1301(d)(2)/11 U.S.C., § 1301(c)(3), for relief from the co-debtor stay, and states:

1. Debtor(s), FREDERICK J. WEBER, III filed a Voluntary Petition for Relief under 11 U.S.C., Chapter 7 was filed on August 30, 2013 and converted to a Chapter 13 on November 6, 2013.

2. The property that is the subject of this Motion is described **8000 LAKE LOWRY RD, HAINES CITY, FL 33844**

3. Debtor(s) own the above property subject to a Note and Mortgage securing the same dated January 30, 2007, which Debtor(s) and Vivian Weber executed. A copy of the loan documents is attached as Exhibit "A".

4. Movant is entitled to relief from the co-debtor stay because (1) as between the debtor and the co-debtor, co-debtor received consideration for the claim held by creditor; (2) the plan filed by debtor proposes to surrender; and (3) Movant's interest would be irreparably harmed by continuation of such stay.

5. The principal balance owed on the debt is \$383,181.49. Additionally, there is interest and other charges which must be paid to satisfy the debt. As of June 12, 2015 the payoff for the account is \$467,155.96. A copy of the Payment History is attached as Exhibit "B".

6. The subject property has an estimated market value of \$181,498.00, according to County Records. See Exhibit "C" attached. Debtor has no equity in the property.

7. Debtor(s) surrender the property in the Amended Chapter 13 Plan.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived, during which period Debtor may have minimal motivation to insure, preserve or protect the Property.

4. For such other relief as the Court deems proper.

/s/ Brian M. Guertin

Law Offices of Daniel C. Consuegra, P.L.  
Brian M. Guertin/Florida Bar #109105  
9204 King Palm Drive  
Tampa, Florida 33619-1328  
bkfiling@consuegralaw.com  
Tel (813) 915-8660  
Fax (813) 664-8889  
Attorney for Creditor

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing with attachments has been served either by electronic or standard first class mail this 22nd day of June, 2015 to FREDERICK J. WEBER, III, 8000 LAKE LOWERY ROAD, HAINERS CITY, FL 33844; RINKY PARWANI, ESQUIRE, 9905 ALAMBRA AVENUE, TAMPA, FL 33619; KELLY REMICK, TRUSTEE, P.O. BOX 6099, SUN CITY CENTER, FL 33571; AND UNITED STATES TRUSTEE, UNITED STATES TRUSTEE-TPA7, TIMBERLAKE ANNEX, SUITE 1200, 501 EAST POLK STREET, TAMPA, FL 33602.

/s/ Brian M. Guertin

Brian M Guertin, Esquire